P. R. 102 97

G. R. S. IX-5]

Previous references.

1897-98
~~192~~
(L. R.)

File No. 12297

Serial Nos. 105

Later references.

L. R. 2407.01.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 105

G. ~~Part~~ B for May 1898.

SUBJECT.

Appeal of Nanjundappa, regarding the issue of fine on his brother for the removal Govt trees in Adavihalli, Mudigiri taluk.

Old
PP

WD 2233—GPB—20,000—14-6-26

Before the Government of Mysore.

Petition ~~Appeal~~ No. 1236 of 1897-98

~~Appellant.~~ Vs. ~~Respondent.~~

Petitioner.

Nanjundappa
of Adavihalli
Madagiri Taluk.

Please set
the record &
a writ.
Petr persists
in his statement
that he did not
cut the trees
but only the
leaves.
Do comm
attachment
is called
for and
send
21/1/98

H. C. M. for Petr
Bkm

note.

Petition served signed
vide petn No 189

Matter in dispute does not exceed
Rs 1000/- of 25-10-97 from Head Clerk
Petitioner not entitled to benefit
of the appeal -

Reference to petn No 189
Petitioner filed petn for appeal in
person before Lieutenant Colonel
Political Superintendent to
Thakore Saheb

Issue Summons

Issued

Recd copy of same per Peon
dt 2-11-97 & Sd Pleader
P. 725

Recd copy of Petition
No 1563 dt 2-11-97

Recd copy of Petition
No 1563 dt 2 November 1897
bearing on the subject matter
of appeal

Recd copy of petn
dt 3-11-97

Recd copy of petn
dt 3-11-97

Recd copy of petn
dt 3-11-97

Summons with petn No 189
(1) Issued to Thakore
(2) By bailiff on 6-11-97
Thakore was served
by bailiff's Endt 6-11-97
(3) The proceedings postponed to
the 8th inst

8/11/97

Order

No order as is provided in the Rev
Rules, Rev Manual or
Code; Rev Rules, Rev Manual or
Code work generally
in accordance with the principles
as in the Civil Courts

Endt

The Petitioner's application
to be granted
Petitioner to be informed
accordingly

3/11/97

12-2-97-1

189

No. 6

Name of Petitioner Virsangbhai Jesangbhai Ahir

Petitioner's Pleader

Taluka Dhandhuka

District Zalawad

Date of Arzi 25-10-97

Date of Receipt 25-10-97

Date of Disposal

No. of Enclosure four.

ABSTRACT.

Appeal against the orders of the Dy Collr, Zalawad (1) dated 16.9.97 communicated to the petr by the Mahalkari Gogat No 209 dated 4-8-97 and (2) another order of the same imposing a penalty of Rs 50/- for having unlawfully cut certain Babul trees in the Bechraji village of Adhevada in the Mahalkari Dhandhuka Taluka -

order No 209. dated 4.8.97.
to Virsangbhai

on complaint that he did not improve the land according to the terms of the Adhevada granted

granted to you on 6th March
notice was served on you
and ~~you~~ deposited [illegible]
you [illegible] to [illegible] statement to
improve the lands and to supply
village to a good condition
within 3 years of the date
correspondence between the
Collector and the [illegible] on the subject
[illegible] and
also been received from the [illegible]
Assor with date dated 16.7.97
to communicate to give you another
one year's time from the last
year and considering the state
of the season the last year and
the petition [illegible] by you about
[illegible] many
houses also have been built by you
during the period: you are
informed of the above as

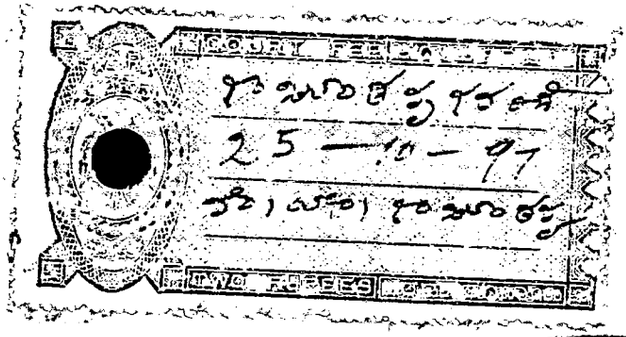
N.B) The other order imposing the
penalty passed in the aforementioned
petition simply mentions that the
same was shown to him.

Petty Subordinate [illegible] be directed
to [illegible] to [illegible] that
he is to [illegible] for information; that the report
of the villagers against him
was only on account of 2nd and
both; that he has actually im-
proved the village by constructing
2 wells, one house, and planted several
numbers but that [illegible] of
the petitioners is unjust.

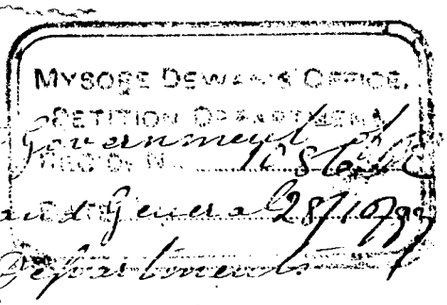
29.10.97.

Registered
25-10-97

Records & Manuscripts Office



No. 1087



To

The Secretary to the Government of Mysore
Inspector, Revenue and Jeuna Department
Bangalore.

The humble petition of appeal
of Kaniyandapira Gutti Edar of Adavirali
Indigeri hali, Holi of Madgiri Valley
residing at Kannamantha Jura.

Respectfully sheweth.

That your humble
Petitioner begs to prefer this appeal
against the order of the Deputy Commi-
ssioner of Kodagu bearing No. dated
16-7-97 and communicated to your humble
Petitioner with No. 209 dated 4-8-97 by the
Amildar of Madgiri and received on
12-8-97.

2. That the whole village
of Adavirali consists of 592 acres
32 guntas, out of which 17-8 acres is in
possession of other Pattadars, 225-8 A
Karab, and the balance viz. 335 acres
10 guntas assessed at Rs 65-14-0 were
given to your humble Petitioners undivi-
ded brother Linga Appa on 27th October 1881
on

on Dharkasta on this agreeing to pay full assessment of the village as per Survey Settlement.

3. That the village was depopulated owing to famine and other causes when one Bhagavanta Rao applied for the grant of lands referred to above under Shrotriem tenure and on representation of your humble Petitioner's brother agreeing to pay full assessment, the same was granted to him, (Vide Enc. No. 2.) after obtaining a muchalika executed by your humble Petitioner; in his report to the Deputy Commissioner, the then Amildar has alluded that as the village was beckarah, the auction for the Huge trees standing on the lands was not conducted.

4. That in the year 1886 the then Amildar Mr. Velayaramiah ordered for sale by public auction, the right to Hullubanni and the crops of Huge trees in the village under this enjoyment, which on appeal to the then Deputy Commissioner, Honorable P. N. Krishnamurti, was quashed on the ground that on his personal inspection he was satisfied that as

the

the village is cultivated with great
difficulty by your humble Petitioner,
the erection of the building and
trees was unnecessary and that the
same should be granted free to your
humble Petitioner (Vide No. 342 dated
24-8-86 enclosure No. 3)

5. That as per terms
of the Muchalika your humble
Petitioner has grown with his capital
and labour treble the number of
Hauge trees, constructed a house,
excavated foundation with collection
of materials for more houses, dug up
two wells at a cost of more than Rs 600/-
and was enjoying the huge leaves
ever since the same was capable of
yielding profit to improve the lands
which was barakat.

6. That the neighbouring
villagers were convicted on my com-
plaint, under section 426 I.P.C for
having unlawfully staged their cattle
in the land and fined to the extent of
Rs 3/- out of the fine thus levied a
sum of Rs 20/- was ordered to be paid
to your Petitioner (Vide enclosure No 4)

7. That your humble
Petitioner was shown an order from
the Dy. Commissioner imposing a
penalty

penalty of Rs 64/ for having unlawfully cut Hooge trees in the village, as per representation of his inimical neighbouring villagers alleged to have been reported to the Muktear Mr. Chowdhry. The said order as well as the order appealed against are unjust and against the standing orders of Government for the following among other reasons:—

a) That the terms of the Muchalika executed by your humble Petitioner has been complied with to the extent in this power with an investment of Rs 600/ (Vide para 5 supra) to bring up the Baelarah village to a good condition; a comparison of the number of Hooge trees standing on the land at present to the number of the trees prior to the possession granted to your humble Petitioner will convince the improvements he has effected.

b) That the restriction imposed is contrary to the views of the Government expressed in their Proceedings of 1880

1882 in regard to the grant of lands in
backward and depopulated villages,
which your humble Petitioner has been
praying the full assessment of the lands
from the date of grant aforesaid.

(c) That the alleged cutting of the
Huge trees for which penalty has been
imposed is unfounded and false and
that your humble Petitioner begs to
submit that he has only cut Huge
leaves as usual for manure to his
lands which has been exaggerated
by neighbouring villages who bear bitter
enmities (Vide para 6 supra)

(d) That the imposition of the
fine is unlawful in as much as
either the Dy. Commissioner or the
authorities has not known the views of
your humble Petitioner as expressed
para 3 of Proceedings of Chief Commis-
sioner dated 12th March 1880 No. 662I-8
P-725
printed at page 222 and 223 of the
Revenue manual.

What is the hearing?

8. That your humble Petitioner
who is the undivided brother of King aforesaid
and who is in the enjoyment of the
lands

praying Kandayam, has preferred
this appeal owing to the absence of his
brother from the station on Pilgrimage.

9. Upon which your
humble Petitioner humbly prays:—

1 To send for the records connected with this case.

2 To depute an officer to examine and report upon the truth or otherwise of the cutting of trees &c referred to in para 7 supra

3 To issue an order suspending action in the collection of Rents unlawfully imposed till the disposal of this appeal

4. To grant your humble Petitioner the privileges of Hullabami rules on the Kaal-Lands attached to this Village and

5 To grant such further relief in this case as the Government may deem equitable and just.

For which act of Kindness and justice your humble Petitioner shall as in duty bound ever pray for your

long

long life and prosperity.

Bangalore
25th October
1897

OFFICE OF THE
8 NOV. 97

By Order

M Jayaram
Asst Secretary

Reference 17-11-97

1086+1087 Regd mail-petitioner.

Dist. 17/11/1897

Collector 18/11/97

1897 (4)

No. 1236.

Name of Petitioner Nanjundappa Patedar

Village Adamihalli Hadagesihobli

Taluk Maddagiri

District Tumkur

Date of Arzi 10-11-97

Date of Receipt 13-11-97

Date of Disposal

No. of Enclosure Six

ABSTRACT.

In obedience to this office Cir. No. 1086 dated 6-11-97 petr begs to resubmit his original appeal duly signed by himself with the copy of the Asst Commr's order referred to regarding the levy of fine Rs 60 — & enclosed herewith.

Contending appe (petr's brother in whose behalf appeal filed) —

That appellant certain hedge trees in the Khanab lands of the village pertaining to him & right of his correspondence order was received from the Asst Commr vide Cir. No. 116/186 dated 23-8-97) to receive

Dear

1) The time L & R 12-12-97

2) Stamps sufficient

3) Appeal against the D.C.'s order affirming the petr's brother (in whose behalf the appeal is filed) 64 Rs for having cut hedge trees in the Khanab lands of the village (4) & levying the petr's brother that the Kanl. Mr. claimed Rs 2 be acted upon within one year.

4) Not a Counsel case

Petr states that only hedge trees were cut & not the trees

He states that the trees

The Circle have been directed

He also requests that the Khanab lands may be granted Rule 62 Counsellor

Taken on Inalienable Tenure"

M 23/11/97

The words to interfere — have many

Petr — Commissioner

Petr — Asst Collector

Engrossed

9.12.97

from you the sum thereby
caused. The purchasers have
have fixed the value to be
paid on application for the leases of the
lots so that you are directed
to pay the amount within
15 days from the date of the
receipt of this order & that
the same will be received
by deposit of your property

[illegible]
16/11/97

Bangalore
13/12/97

No. 1236

MYSORE DEVELOPMENT
PETITION DEPARTMENT
REG'D. NO. 1236R
DATE 13-11-97

Pet 946 Eccles 1-2-98

P2 (5)

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

L. A. 122-97-3

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition No. 1086-1236 dated 25th Oct. 97 & 2nd Nov. 97 respectively received at the Dewan's Office from Kanakapura Thammaiah, Shedagiri Taluk appealing against the order of the Deputy Commr. Tumkur directing the petitioner to forthwith cut and destroy the standing crop on the Kharab lands of the Bellikatte village of Thammaiah

is forwarded, together with its enclosures, to the Deputy Commissioner of Tumkur District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

The petition with its enclosures should be returned.

By order,

for Secretary

BANGALORE,

31 January 1895

1-2

Draft

Bon

2. Re pet. Shen. Heard in person. Petitioner adheres to his statement. Asst. Commr. Kolar, has only remarked that he does not

3. The Deputy Commissioner's attention is invited to the specific statement that the petitioner was not given any opportunity to be heard

4. The above assertion of innocence

he asserted his innocence
& denied having any
ties hence the respect-
ive call for.

— As the form which further
information was called for
has been cleared up, the
appeal may be rejected
= Not a communicant

Sub by Rev Councillor
Easton Dr
20/4/98

Open file is made
28/5/98

Open file
before Presby

The Petn. may be rejected.

Rev. Councillor E
23.5.9

28/5/94
Send 4 copies
to committee
25/5/95
Send copies
28/5/95

[illegible] 2

15-4-95

Subd

MK
19.4.98

Serial Nos 9 & 15 on the Records —
referred by the D.C. — (contd.)
the Shekdar's report, a panchnama
by the Shanbog & others, a receipt
given by the patel for the hire
hes & leaves, a map & order
by the adjoining villages & the annual
report —
These show (on the one hand) that
about 50 large trees were
removed by them branches & leaves
& in some cases were cut
& half their original height
In the D.C.'s report of 5 March 1898
referred by the D.C. — it is
stated that even now
cutting of trees can be permitted
= When the petr was first heard,
presumably the 2nd time after
remarked "I see no grounds to
interfere: we may however
hear the petr" Now to hear him
When the petr was heard

Central Jail Press, Bangalore.—6-3-97.—10,002.

General Serial No. 30

REVENUE DEPARTMENT
Gl. No. 7485
REGISTERED
MAIN'S OFFICE

L.R. 129-97-4

From The Deputy Commr
Tumkur District.

To The Secretary to
the Govt of Mysore, Rev Dept.

Dated 13th March 1898.
Despatched 14th
Received 15th April 1898.

Enclosures No. Petition

General No. 7[illegible]
No.

His Official Memo
No. Jet. 7 dated 11th
January 1898.

Reporting on the
petition of Ramireddi
for exemption from
Forest Settlement.

Petitioner M —
16/4

Rec'd
18/4

No. 920 Deputy Commissioner's Office
Tuticorin File. Tinnevelly District

Dated, Tinnevelly, 13th April 1898.

To
The Secretary to the Government
of Madras, General and Revenue
Department.

Sir,

With reference to your
Official Memo No: Pet/946 dated 1st
January, 1898, forwarding for report
a petition from Karuppudayapillai
Adaikalli, Maadapuri Taluk,
appealing against my order
fining the petitioner's brother en-
Lingappa for having cut and de-
stroyed a Karuvé tree standing on the
Kudivaram lands of the Pachiriyar
village of Adaikalli, I have
the honor to submit herewith the
entire record of the case and to
state as follows:—

2. The Pachiriyar village of
Adaikalli consists of 50 ½

acres and 18 guntas of arable assessed land and 239 acres and 14 guntas of Kharab land. In October, 1881 petitioner Lingappa applied for and obtained 332 acres and 34 guntas of assessed land for cultivation purposes and executed a Muchalika (vide paper No 1 on the file) to the effect that he would take steps to reestablish the village and not destroy the trees standing on the land granted to him.

3. The trees situated on Kharab land in the village belong to Government and Lingappa has no manner of right to them. In consideration however of Lingappa's engagement to take steps for reestablishing the village, the holding of separate sales of the Kulbaqui and Maravali in respect of the Kharab lands in the village was ordered to be discontinued and

three letters were on a special case allowed to be employed by him - Under order No 342 dated 24th August 1886 (Paper No 5.) His Concession was clearly applicable only to the passage and the fruit of the trees on the Kharak Lands and could not be construed to include an unrestricted right to dispose of the trees themselves. The Concession was moreover conditional on the seed Ningapha re-establishing the village. That he has not observed the Concession is apparent from the fact that during the 17 years he has been in possession of these Lands, he has erected but a single house thereon and even that house is untenanted.

4 In December 1895, the Punchayat represented that under petitioner's orders, cutting by virtue of peculiar power, from their portion of the neighbouring village of Pulmarchi had cut

50 honge trees and had destroyed several honge plants standing on Government Kharab land in the Bethirally village. Of course the honge leaves also had been cut (vide Papers 1100: 9-10-11-12-13-14 & 15). I was of opinion that Lingappa had signally failed to act up to the terms of his Muchalika in regard to the re-establishment of the village and was not deserving of any concession. At any rate, he was not entitled to cut and thereby destroy honge trees on Government land though he was, as a special case, allowed to take the fruit thereof, which was the subject of Maravali sale fined to the order of 24th August 1886. I, therefore, directed that double the value of the damage done to the Government trees as determined by Panchayat should be recovered

from Bangalore, and that he should be restrained from interfering with the trees in future.

5. With regard to the 2nd para of your official memo under reply, I beg to refer to the papers quoted in the preceding paragraph and to the Cancelling Section of the Land Encroachment Act No. 6 of 1848 — March 1898 — from which it is clear that they have not been removed.

6. The petition of Chinnadappa under reply is herewith returned with its enclosures.

I have the honor to be
Sir
Your most obedient Servant

M. Narain Rao
Deputy Commissioner

Proceedings of the Chief Comm^r of Mysore

Read

Letter from the Deputy Comm^r, Hassan Dist^t No. 264 of the 3^d Sept^r 1880, recommending the grant of Shraya Kauls to induce persons to bring under cultivation, villages which have become depopulated owing to the famine &c.

Order No 4563-72-R.812 dated Bangalore 10th November 1880

The ground on which the Survey Dep^tt object to the grant of Shraya or Kauls on a progressive rent for the cultivation of waste lands, is that the cultivating power in the country being limited, such grants must simply draw away labor from other cultivated lands, and this must be specially so in this Province in which no part can be considered to be so over-populated as to admit of the withdrawal of labor from it to other parts. The Chief Comm^r however, thinks that an exception to this rule may be well made in the case of villages which have become deserted or depopulated, or of garden lands which may have been abandoned owing to the effects of the famine, and he will be prepared to sanction, in such special cases, Shraya Kauls for the cultivation of such lands on individual applications being submitted with full information ~~with full information~~ in regard to the circumstances of the

applicants and of the lands applied for:-

The term of the chenaya lands should not exceed four years, and they should begin with at least one-fourth of the assessment in the first year, and there should be a further condition, as proposed, that the holders or his agents, should take up their residence in the villages. Free grants of wood may be sanctioned to a limited extent to enable the applicants to build houses in the village. The Chief Commr. believes that such favourable terms, when accorded to persons who are able to cultivate lands, will induce them to exert themselves more in the cultivation of the lands thereby bringing a larger area under cultivation though there may be no addition to the number of hands employed in the cultivation

2. The Deputy Commrs are requested to submit a list of villages which have become depopulated and waste and of valuable garden lands which may have been abandoned, owing to the effects of famine

(M) C. Rangachariar
Revenue Secretary

(6)

30-5-98

L.R. 122-97-5

No. Rel/1438 dt 30/5/98 P.

Copy of the above forwarded to the Dy Comr Tumkur District for information together with the records received with his letter No: 920 dated 13th April 1898.

30-5-98

"By order

Dfc"

27/5/98